IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6631 OF 2004

Shri Satish Kumar Chawla, .. Petitioner

Vs

State of Maharashtra & Ors. .. Respondents

Ms Bobby Malhotra Paul, for the petitioner.

Mr C.R.Sonawane, AGP for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 17th September, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The petitioner has impugned the show cause notice dated 5.8.2004 issued by the Sub Divisional Magistrate, Mawal Sub-Division, Pune, calling upon the petitioner to show cause as to why the licence to keep the place of public entertain No.3/M/2002 dated 4.10.2002, be not cancelled. While issuing notice dated 5.8.2004, the licence was suspended with immediate effect. This Court, while issuing notice dated 11.8.2004, passed the ad-interim relief in terms of prayer clauses (b) and (c).

. Prayer clauses (b) and (c) read thus :

"(b) pending the hearing and final disposal of this petition, the impugned order/show cause notice dated 5/8/2004 be stayed.

(c) pending the hearing and final disposal of the appeal filed before the Hon'ble Minister home department, Mumbai, the respondent, his officers, servants and agents be restrained from preventing the petitioner from running his business under the licence to keep a place of public entertainment No.3/M/2002 granted to him on 4.10.2002."

3. After having heard the learned counsel for the parties, in my opinion, the appropriate course would be to direct the petitioner to contest the show cause notice and, in the meantime, to continue the ad-interim relief granted by this Court until the Sub-Divisional Magistrate passes appropriate orders in the proceedings. Hence the following order :

(i) The petitioner to appear before the Sub-Divisional Magistrate, Maval Sub-Division, Pune on 28.9.2004 and file his reply to the show cause notice, failing which it would be open for the Sub-Divisional Magistrate,

Maval Sub- Division, Pune to proceed with the matter without reply.

(ii) The Sub-Divisional Magistrate to complete the hearing and dispose of the proceedings on merits in accordance with law as expeditiously as possible and preferably within a period of eight weeks from today.

(iii) The ad-interim relief granted by this Court shall remain operative for a period of eight weeks from today and for a period of two weeks, thereafter, if the orders passed by the Sub-Divisional Magistrate are adverse to the petitioner.

(iv) The writ petition is disposed of.

While passing this order, I shall not be understood to have examined merits of the case.

(D.B.BHOSALE, J.)